REMARKS

Entry of the foregoing amendments and reconsideration of this application are respectfully requested in view of the following remarks.

Interview Summary

On behalf of the Applicant, the undersigned wishes to express appreciation to Examiner Blanco for the courtesies extended during the telephonic interview conducted on October 23, 2007. During the interview the disclosures of U.S. Patent Number 6,338,739 to Datta et al. ("Datta"), U.S. 5,833,651 to Donovan et al. ("Donovan"), U.S. Patent Number 5,788,979 to Alt et al. ("Alt") and U.S. Patent Number 5,766,209 to Devonec ("Devonec") were discussed. Potential new claims were also discussed.

Objections to Claims 10 and 15 have been overcome

Claims 10 and 15 were objected to. It appears, however, that the examiner intended to object to claims 12 and 15. Claims 12 and 15 have been amended to include a space between "of" and "fibrinogen" and "of" and "acenocoumarol," respectively. Thus, the Applicant respectfully submits that the objections have been overcome.

Claims 7, 9-12, 14, 15 and 19-23 are allowable

Claims 7, 9-12, 14 and 15 were rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Datta in view of Donovan or Alt. Claims 7, 9-12, 14 and 15 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Devonec in view of Donovan.

Independent claim 7 recites "a prostatic stent for use in a patient comprising: (a) a first segment ... including an external surface, an internal surface, a proximal portion, a distal end, a lumen defined by the internal surface and extending within the first segment, and a plurality of openings for conveying at least one agent from the lumen to the external surface ... ; (b) a second segment ... including an external surface, an internal surface, a proximal end, a distal end, and a lumen defined by the internal surface and extending within the second segment ... ; (c) a connecting segment disposed between the first and second segments and coupling together the first and second segments; and (d) an anticoagulant disposed on the internal surface of the first segment." The Applicant respectfully submits that neither Datta alone or Datta in view of Donovan or Alt discloses a stent as recited in claim 7. Additionally, the Applicant respectfully submits that it would not have been obvious to one skilled in the art to modify the device disclosed in Devonec to include the coating as disclosed in Donovan.

Datta in view of Donovan or Alt

Datta discloses two separate embodiments that the Examiner relies on. The first embodiment of Datta relied on by the Examiner is a helical structure having a series of connected coils made of biodegradable polymers. As discussed during the interview, the Applicant respectfully submits that openings that may be created by degradation of the biodegradable prostatic stent are not equivalent to the plurality of openings recited in claim 7. Specifically, the Applicant submits that such openings are not configured to convey "at least one agent from the lumen to the external surface."

Additionally, as discussed during the interview, the fiber disclosed in Fig. 15 of Datta does not include a plurality of openings as recited in claim 7. Claim 7 recites "...a lumen

defined by the internal surface and extending within the first segment, and a plurality of openings for conveying at least one agent from the lumen to the external surface...." The hollow longitudinal passage disclosed in Fig. 15 does not extend through a side wall such that "a plurality of openings for conveying at least one agent from the lumen to the external surface" exists. Thus, the agent passed through the lumen could not be delivered "from the lumen [defined by the internal surface] to the external surface" of the prostatic stent through the hollow passage of Fig. 15.

The second embodiment of Datta relied on by the Examiner is a tubular member shown in Fig. 14 of Datta. The tubular member shown in Fig. 14 has a variety of conventionally shaped openings. The tubular member, however, does not disclose "a connecting segment disposed between the first and second segments and coupling together the first and second segments." Therefore, the second embodiment disclosed in Datta and relied on by the Examiner does not anticipate the device recited in claim 7.

Additionally, it would not have been obvious for one skilled in the art to combine the features of the two embodiments disclosed in Datta. Specifically, it would not have been obvious to combine the features of a helical coil with those of a tubular member.

Finally, the Examiner cites Donovan and Alt because of their disclosure of an anticoagulant. It is respectfully submitted that neither Donovan nor Alt disclose "a plurality of openings for conveying at least one agent from the lumen to the external surface" or "a connecting segment disposed between the first and second segments and coupling together the first and second segments."

Accordingly, the Applicant respectfully submits that independent claim 7, and its dependent claims, are patentably distinct from Datta alone and Datta in view of Donovan or Alt.

Devonec in view of Donovan

The Applicant respectfully submits that the Examiner used hindsight and impermissibly used the Applicant's disclosure as a road map to combine Devonec with Donovan. Devonec does not contemplate that the prosthesis disclosed in Devonec will be used in natural lumens through which blood typically flows. For example, the device disclosed in Devonec is disclosed for use in "[t]he urinary, respiratory, digestive and gynecological tracts." (Col. 1, Line 11). Additionally, Devonec does not contemplate blood clotting in a lumen where blood does not typically flow, such as the urethra. Conversely, Donovan discloses a device that is intended to be used in natural bodily lumens through with blood typically flows. For example, the device disclosed in Donovan "is particularly useful where the stent is used in the blood vasculature and in particular where the stent is used in the coronary artery." (Col. 15, Lines 33-35).

Accordingly, the Applicant respectfully submits that it would not have been obvious to one of skill in the art at the time of the invention to modify the device disclosed in Devonec (a device not intended to be used in lumens through which blood typically flows) with the anticoagulant of the device disclosed in Donovan (a device intended to be used in lumens through which blood typically flows). Accordingly, the Applicant respectfully submits that independent claim 7, and its dependent claims, are patentably distinct from Devonec in view of Donovan.

Newly added dependent claims are patentable

The Applicant submits that the claims that depend from independent claim 7 are also allowable based on additional subject matter recited in such dependent claims. For example, dependent claim 19 recites a stent "wherein the connecting segment is a solid member," claim 20 recites a stent "wherein the connecting segment is devoid of a lumen," and claim 22 recites a stent "wherein the distal end of the first segment defines a first surface, the proximal end of the second segment defines a second surface facing the first surface, and the connecting segment is attached to a portion of the first surface and a portion of the second surface." The Applicant submits that the cited references (including Datta, Donovan, Alt, and Devonec), alone or in proper combination, do not disclose or suggest a prostatic stent that includes a connecting segment as recited in dependent claims 19, 20 or 22.

CONCLUSION

All of the stated grounds of objection and rejection have been traversed or rendered moot. The Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that such objections and rejections be withdrawn. The Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Director is hereby authorized to charge any appropriate fees under 37 CFR 1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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Respectfully submitted,
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